



COPY

HUNTON & WILLIAMS LLP
550 SOUTH HOPE STREET
SUITE 2000
LOS ANGELES, CALIFORNIA 90071-2627

TEL 213 • 532 • 2000
FAX 213 • 532 • 2020

P. SCOTT BURTON
DIRECT DIAL: 213-532-2108
EMAIL: sburton@hunton.com

FILE NO: 74096-000002

November 6, 2008

VIA FEDERAL EXPRESS

Deborah M. Reyher
U.S. Department of Justice
Ben Franklin Station
P.O. Box 7611
Washington, D.C. 20044-7611

Dear Deborah:

Thank you for your October 9, 2008 letter summarizing our September 26, 2008 meeting in Boise. Nu-West is pleased that the United States found the meeting productive, and shares your desire that our future negotiations in this matter will be equally productive.

Toward that end, and as we discussed telephonically last Friday, October 31, Nu-West is willing to commence negotiations with the government toward a RCRA section 3013 order or other appropriate mechanism for addressing potential assessment of the Conda Phosphate Operations (CPO) facility, and to engage in limited RCRA hazardous characteristic testing of the alleged waste streams listed in alleged Violation #1, identified in Attachment A to Andy Boyd's August 4, 2008 letter. Per our discussion, we will await direction from you or EPA regarding scheduling of any further discussions related to these items. Finally, in order to facilitate our ongoing negotiations, Nu-West also has agreed to withdraw its CBI claim regarding the information previously submitted to EPA and reflected in Attachment A to Andy Boyd's August 4, 2008 letter.

Should you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

P. Scott Burton

cc: Andy Boyd

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OFFICE OF REGIONAL COUNSEL

HUNTON & WILLIAMS LLP
550 SOUTH HOPE STREET
SUITE 2000
LOS ANGELES, CALIFORNIA 90071-2627

TEL 213 • 532 • 2000
FAX 213 • 532 • 2020

P. SCOTT BURTON
DIRECT DIAL: 213-532-2108
EMAIL: sburton@hunton.com

FILE NO: 79640.000002

January 15, 2009

VIA FACSIMILE (206) 553-0163 & U.S. MAIL

Mr. Andrew Boyd
United States Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Re: Nu-West Industries, Inc.

Dear Andy:

Pursuant to our recent telephonic conversation, I am providing this letter on behalf of my client, Nu-West Industries Inc. ("Nu-West"), to clarify that Nu-West's agreement to withdraw its CBI claims as articulated in my letter dated November 6, 2008, is intended to apply to all such claims asserted in relation to materials previously submitted to the U.S. Environmental Protection Agency ("EPA"), in response to EPA's August 31, 2005 and subsequent requests for information propounded upon Nu-West to date by EPA pursuant to the Resource Conservation and Recovery Act ("RCRA") and the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA").

Please feel free to call me with any questions.

Very truly yours,



P. Scott Burton

cc: Deborah Reyher, U.S. DOJ